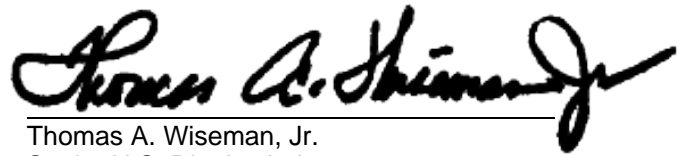


For the reasons explained in the accompanying Memorandum Opinion, the defendant's motion is **GRANTED IN PART AND DENIED IN PART**, as follows: The Court finds that material issues of disputed fact preclude summary judgment on the plaintiff's ADA discrimination and retaliation claims, the TDA discrimination claim, and the post-termination retaliation claims. Summary judgment as to those claims is therefore **DENIED**. However, because Burress has either opted to concede or to rest on his pleadings without producing any probative evidence regarding his discrimination claims under the FMLA, THRA, Title VII, and § 1983, as well as his claim of retaliatory discharge for filing a working compensation and his due-process claim under § 1983, the Court finds that there are no genuine issues of material fact pertaining to any of these claims. The City's motion for summary judgment as to those claims is therefore

**GRANTED**, and those claims are **DISMISSED**.

It is so **ORDERED**.

This matter remains scheduled for trial to begin October 11, 2011.

A handwritten signature in black ink, reading "Thomas A. Wiseman, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

Thomas A. Wiseman, Jr.  
Senior U.S. District Judge